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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,761	09/17/2003	Cheryl Lynn Carlson	PGI6044P0172US	4140
32116	7590	04/13/2006	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			TORRES VELAZQUEZ, NORCA LIZ	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/664,761

Applicant(s)

CARLSON ET AL.

Examiner

Norca L. Torres-Velazquez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-33 is/are pending in the application.
- 4a) Of the above claim(s) 12-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 and 23-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 11 and 23-33 have been considered but are moot in view of the new ground(s) of rejection. The rejection of the claims over the prior art of FLEISSNER (DE 19956571 A1) has been withdrawn in view of Applicant's arguments indicating that the published date of this reference is May 31, 2001, which is subsequent to applicant's priority filing date of June 23, 2000.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11, 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by LOCHNER (US 3,705,064).

LOCHNER discloses a process for manufacturing varicolored, ornamentally designed needled nonwoven fabrics which comprises applying to a first web a needled, single-colored or blended nonwoven fabric, a second web of nonwoven fabric of a different color contrasting from the color of the first fabric. The second web having been glued and dried in accordance with a desired pattern, attaching the two webs to one another by a needling operation in such as manner that the areas free of glue of the second web are passed through by needles whereby fibers of the fabric are taken along and will appear at the rear face of the first web of nonwoven fabric forming a finished pile thereon. (Abstract)

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4. Claims 23 and 30-33 rejected under 35 U.S.C. 102(b) as being anticipated by YEO et al. (US 5,399,174).

YEO et al. discloses a composite material that comprises a layer of nonwoven fabric with an embossed pattern of densified areas separated by high-loft areas and a polymeric film laminated to the layer of fabric by means of the embossed pattern. (Refer to claim 1)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 24 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over LOCHNER as applied above, and further in view of BOULTON (US 4,144,370).

FLEISSNER is silent to the basis weight of the first and second non-woven layers.

BOULTON discloses a double layer textile fabric comprising two integrally entangled layers. The fabric can be used as toweling, furnishings, bandage, sanitary dressing cover or other medical uses. (Col. 5, lines 61-64) The first layer contains fibers arranged to form a pattern of apertures or opening in the layer. The second layer comprises a plurality of entangled areas, which are disposed within the apertures of the first layer to form a unitary textile fabric. (Abstract) The reference teaches a textile fabric that comprises a base layer and a second layer substantially coplanar entangled with the base layer. (Col. 1, lines 45-51) The reference teaches the use of nonwoven fabric suitable as a base layer. (Col. 3, lines 53-54) BOULTON further teaches carded, air-laid and wet-laid webs. (Col. 4, lines 31-37) The reference teaches a

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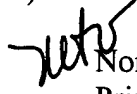
base fabric with a weight of 750 grains per square yard (1.71 oz/yd<sup>2</sup>) and a top web layer that weights about 350 grains per square yard (0.8 oz/yd<sup>2</sup>). (Refer to Col. 5, Example 1)

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the nonwoven layers of LOCHNER and provide them with basis weights in the ranges disclosed by BOULTON motivated by the desire of producing materials suitable as toweling, furnishings, bandage, sanitary dressing cover or other medical uses as taught by BOULTON. (Col. 5, lines 61-64)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 571-272-1484. The examiner can normally be reached on Monday-Thursday 8:00-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Norca L. Torres-Velazquez  
Primary Examiner  
Art Unit 1771

April 11, 2006